

**PILOT CJA FEE REVIEW COMMITTEE
U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA**

I. Purpose

The CJA Administrative Committee establishes the Pilot CJA Fee Review Committee (referred to as the “Fee Review Committee”) to review vouchers for payment of attorneys’ fees submitted by attorneys to the U.S. District Court for the Northern District of California in order to assist in ensuring compliance with mandated billing guidelines and accurate record keeping, to assess reasonable expenditures of time by attorneys in the course of their representation and to provide due process and ensure fairness in voucher review.

II. Fee Review Committee.

The Fee Review Committee shall be appointed by the CJA Committee to investigate and review fee vouchers submitted by CJA appointed counsel. The Committee shall be comprised of at least three and no more than five people, all of whom shall be current or former members of the CJA panel and shall have handled at least ten cases of varying types pursuant to appointment under the Criminal Justice Act. Members of the Fee Review Committee shall be appointed for two year terms expiring at the end of a calendar year. There is no prohibition against reappointment for additional terms. The Committee shall appoint one of its members to coordinate review and investigation of a given panel member’s fee application(s).

III. Initiation of Review.

Each applicant, as a part of his or her application to be a member of the CJA panel for the U.S. District Court for the Northern District of California, or as a condition to remain on the panel, shall execute a statement agreeing that any voucher submitted for payment may be reviewed by the Fee Review Committee, and that neither the Fee Review Committee’s recommendation nor the final decision of the court is subject to review.

Attorneys’ fee vouchers will be reviewed by the CJA Fee Review Committee in any of the following circumstances:

- A. Upon request by the CJA Supervising Attorney or a judge presiding in the case in which the attorney is appointed, for review of a specific voucher or series of vouchers;
- B. Upon referral by the CJA Supervising Attorney for assessment of an appointed attorney’s billing practices;
- C. Upon written request by the appointed attorney to the CJA Supervising Attorney after a voucher submitted by an attorney for attorney services has been reduced by an amount exceeding \$375.00 by the CJA Supervising Attorney or the judge

presiding in the case;

D. Upon referral by the CJA Supervising Attorney for random audit.

IV. Conflict of Interest.

A member of the CJA Fee Review Committee (referred to as “committee member”) shall recuse himself or herself from any and all participation in the consideration of a panel member’s voucher or from attempting to influence others with respect to such consideration, in the following circumstances:

- A. The committee member is the current or former law partner or associate of the panel member;
- B. The committee member, or the law firm or office with which the committee member he or she is affiliated, represents the panel member;
- C. The committee member, or the law firm or office with which the committee member is affiliated, is a party to pending litigation in which the panel member, or the law firm or office with which the panel member is affiliated, is a party;
- D. The committee member, or the law firm or office with which the committee member is affiliated, represents a party in pending litigation in which the panel member, or the law firm or office with which the panel member is affiliated, is a party;
- E. The committee member or his or her spouse is related to the panel member by consanguinity or affinity within the third degree according to the rules of civil law;
- F. The committee member stands in the relation of guardian and ward, conservator and conservatee, employer and employee, or principal and agent to a panel member;
- G. The committee member has appeared as an expert witness or acted as a consultant or has been consulted with reference to an actual or threatened lawsuit against the panel member for malpractice;
- H. The committee member has any personal bias or prejudice concerning the panel member which would prevent the committee member from fairly evaluating all of the evidence concerning that panel member;
- I. The committee member represents or represented one party in the matter for which the request for compensation is being reviewed where the panel member to

be audited represents or represented another party.

A Fee Review Committee member who represents one party to a pending matter where the panel member to be audited represents another party in the matter may recuse himself or herself, or be recused in the discretion of the Chair of the CJA Committee.

In the event that a member of the Fee Review Committee does not voluntarily recuse himself or herself, the Chair of the CJA Committee, shall, upon becoming aware of factors which may indicate a potential conflict of interest as described above, initiate an inquiry and make a determination as to whether or not such member should be recused. Any resulting determination in that regard shall be binding.

VI. Confidentiality.

All information gathered pertaining to a CJA panel member during the fee review shall be the property of the U.S. District Court for the Northern District of California and is to be treated as confidential. Votes of the Fee Review Committee shall also be confidential. Members of the Fee Review Committee shall not disclose to others in any manner the name of the panel member audited, the discussions, deliberations or action of the Fee Review Committee concerning any panel member's fee audit, information obtained during investigation or deliberation of the Fee Review Committee, or any documents related to the foregoing, unless ordered to do so by a court of competent jurisdiction.

VII. Investigation.

The Fee Review Committee or one of its members or the CJA Supervising Attorney, shall conduct a review and investigation to determine whether the panel member's voucher for attorneys' fees conforms to the court's billing guidelines, is reasonable considering the circumstances of the case, and is otherwise accurate and proper. The investigation may include review of other vouchers submitted by other panel members in the same, or similar cases, a review of court files, review of records of detention facilities, and/or interviews of panel members including the panel member whose voucher is being reviewed.

No provision of this section shall be construed as permitting disclosure to the panel member of information from which the panel member may infer the source, and no information shall either be disclosed to the panel member or be obtained by any process which would jeopardize the confidentiality of communications for persons whose opinions have been sought in the investigation.

VIII. Determination.

In the event that the Fee Review Committee determines as a result of its review and investigation that a panel member's voucher does not comply with the court's billing guidelines, is unreasonable, or is not otherwise accurate or proper, the CJA Supervising Attorney shall so

notify the panel member in writing, specifying the reasons therefor. The panel member may provide a written response within 10 days. After reviewing the panel members response, the Committee shall make a recommendation regarding any reduction in the voucher it deems appropriate. A copy of this recommendation is to be provided to the CJA Supervising Attorney and to the panel member. The court will give significant weight to the Fee Review Committee's recommendation in making a final determination, and it is anticipated that the recommendation will be presumptively adopted by the court; in an exceptional case, the court may modify the recommendation. Whether or not the initial recommendation of the Fee Review Committee is adopted by the court, the court's decision is final and there shall be no right of review. Any determination that a voucher should be reduced does not necessarily constitute a finding of wrongdoing.